

Application No. 09/921,096
Amendment dated June 15, 2006
Reply to Office Action of December 15, 2005

REMARKS

Applicant amended claims 1, 8, 15, 22, and 29 to further define Applicant's claimed invention. The amendment to claims 1, 8, 15, 22, and 29 is supported at least on page 16, lines 16-18 of the specification.

In the Office Action, the Examiner rejected claims 1-4, 6-11, 13-18, 20-25, 27-33, 35, and 37-39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,935 to Payton ("Payton"). Independent claims 1 and 15, as now amended, each recite a system having a content database that provides consumer access to content stored therein "for a predetermined interval of time having a programmed begin date and a programmed end date." Independent claim 8 recites a method which includes identifying video content to be offered to at least one consumer "during a predetermined interval of time having a programmed begin date and a programmed end date." Independent claim 22 recites a method which includes offering selected media to at least one consumer "for a predetermined interval of time having a programmed begin date and a programmed end date." Independent claim 29 recites a system including a receiving processor operable to automatically purge media content "after a predetermined interval of time having a programmed begin date and a programmed end date."

Payton teaches refreshing a local server based on "whether new subscriber profile data or billing data exists (step 112)." The local server will dial up the distribution server when "new data does exist." (Payton, col. 7, line 61 to col. 8, line 2). The refreshing of the local server taught by Payton is not based on "a predetermined interval of time having a programmed begin date and a programmed end date" as recited in Applicant's independent claims. Applicant submits that the Examiner's rejection of claims 1-4, 6-11, 13-18, 20-25, 27-33, 35, and 37-39 under 35 U.S.C. § 102(b) as being anticipated by Payton has been overcome.

The Examiner rejected claims 5, 12, 19, 26, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Payton in view of U.S. Patent No. 6,457,010 to Eldering et al. ("Eldering"); and rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over

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Payton. Applicant submits that the rejections over claims 5, 12, 19, 26, 34, and 36 are rendered moot at least because they depend from an allowable independent claim, or claims dependent therefrom. For the Examiner's Official Notice with respect to claim 36, Applicant reserves the right to contest the contention that "preventing the copying of media data is well known within the prior art." (Office Action, page 5, paragraph 1).

Applicant submits that independent claims 1, 8, 15, 22, and 29 are patentable and that dependent claims 2-7, 9-14, 16-21, 23-28, and 30-39 dependent from one of independent claims 1, 8, 15, 22, and 29, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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